

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In Re: Overby-Seawell Company
Customer Data Security Breach
Litigation

Case No. 1:23-md-03056-SDG

**PLAINTIFF'S UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Pursuant to Federal Rule of Civil Procedure 23(e), Plaintiff Kathy Keefer moves for the entry of the Proposed Preliminary Approval Order submitted herewith, which seeks the preliminarily approval of a proposed class action settlement (the “Settlement”), certification of a proposed settlement class (the “Settlement Class”), and approval of a notice plan, as explained herein and in the supporting documents.

1. Plaintiff respectfully requests that the Court: (1) conditionally certify the Settlement Class for settlement purposes; (2) name Plaintiff Kathy Keefer as Class Representative; (3) appoint Ben Barnow of Barnow and Associates, P.C., as Class Counsel; (4) grant preliminary approval of the Settlement; (5) approve the proposed Notice and direct its distribution to Settlement Class Members; (6) set deadlines for Settlement Class Members to object or opt out; and (7) schedule a final

approval hearing, at which time the Court can consider whether to give final approval to the Settlement.

2. The terms of the Settlement are set forth in the Settlement Agreement dated April 7, 2023, attached to this Motion as Exhibit 1 (inclusive of its Exhibits A–E).

3. The relief sought in this Motion is supported by the Memorandum in Support (submitted herewith), the Declaration of Ben Barnow, attached to this Motion as Exhibit 2 (inclusive of its Exhibit A), and the Declaration of Christie K. Reed, attached to this Motion as Exhibit 3.

4. Defendant Fulton Bank, N.A. does not oppose the relief requested in this motion.

WHEREFORE, Plaintiff Kathy Keefer requests that the Court enter the proposed Preliminary Approval Order.

Dated: April 7, 2023

Respectfully submitted,

/s/ Ben Barnow

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Counsel for Plaintiff Kathy Keefer

LOCAL RULE 7.1(D) CERTIFICATION OF COMPLIANCE

Pursuant to Local Rule 7.1(D), undersigned counsel certifies that the foregoing brief has been prepared using Times New Roman font, 14 point.

/s/ Ben Barnow
Ben Barnow

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was filed and served via the Court's electronic case filing system on April 7, 2023, on all counsel of record.

/s/ Ben Barnow
Ben Barnow